

ASSEMBLY BILL

No. 191

Introduced by Assembly Member Bocanegra

January 28, 2013

An act to amend Section 18901.5 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 191, as introduced, Bocanegra. CalFresh: categorical eligibility.

Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP), under which each county distributes nutrition assistance benefits provided by the federal government to eligible households, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. In California, federal nutrition assistance benefits are administered through CalFresh.

Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons.

Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under CalFresh for needy households who meet all other SNAP eligibility requirements, in accordance with federal law.

This bill would require the State Department of Social Services, to the extent permitted by federal law, to waive the CalFresh gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program.

Because counties administer CalFresh, this bill would increase county duties by potentially expanding the eligible population, and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18901.5 of the Welfare and Institutions
2 Code is amended to read:

3 18901.5. (a) (1) The department shall establish a program of
4 categorical eligibility for CalFresh in accordance with Section 5(a)
5 of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec.
6 2014(a)), and implementing regulations, to improve nutrition and
7 promote the retention and development of assets and resources for
8 needy households who meet all other federal Supplemental
9 Nutrition Assistance Program eligibility requirements. Categorical
10 eligibility for CalFresh shall also apply to any individual who is
11 a member of a household that will be receiving or is eligible to
12 receive cash assistance under Part 5 (commencing with Section
13 17000), or eligible to receive food assistance under Chapter 10.1
14 (commencing with Section 18930).

15 (2) *The department, to the extent permitted by federal law, shall*
16 *waive the CalFresh gross income test for any individual who is*
17 *categorically eligible for CalFresh pursuant to paragraph (1),*
18 *and who is a member of a household that receives, or is eligible*
19 *to receive, medical assistance under Chapter 7 (commencing with*
20 *Section 14000) of Part 3.*

21 (b) The director shall implement the program established
22 pursuant to this section only with the appropriate federal
23 authorization and if implementation would not result in the loss
24 of federal financial participation.

1 (c) Notwithstanding the rulemaking provisions of the
2 Administrative Procedure Act (Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
4 Code) and Section 10554, until emergency regulations are filed
5 with the Secretary of State, the State Department of Social Services
6 may implement the changes made by subdivision (a) through
7 all-county letters or similar instructions from the director. The
8 department shall adopt emergency regulations as necessary to
9 implement those amendments on or before January 1, 2010. The
10 program established pursuant to this section shall be established
11 on or before July 1, 2009, and shall be fully implemented as to
12 new applicants for CalFresh on or before January 1, 2010.

13 (d) The department shall adopt regulations to implement this
14 section. The adoption, amendment, repeal, or readoption of a
15 regulation authorized by this section is deemed to address an
16 emergency, for purposes of Sections 11346.1 and 11349.6 of the
17 Government Code, and the department is hereby exempted for this
18 purpose from the requirements of subdivision (b) of Section
19 11346.1 of the Government Code. The emergency regulations shall
20 be exempt from review by the Office of Administrative Law. The
21 department shall adopt final regulations implementing the program
22 authorized by this section on or before July 1, 2010.

23 SEC. 2. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.